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APPLICATION NO	D. I	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/510,448		10/07/2004	Herve Foubert	0523-1017	7516	
466	7590	06/19/2006		EXAMINER		
YOUNG	& THOM	PSON	NGUYEN	NGUYEN, DINH Q		
	745 SOUTH 23RD STREET 2ND FLOOR ART UNIT PAPER					
ARLINGT	ΓΟΝ, VA	22202	3752			
				DATE MAILED: 06/19/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)					
	10/510,448	FOUBERT ET AL.					
Office Action Summary	Examiner	Art Unit					
	Dinh Q. Nguyen	3752					
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the	e correspondence address	,				
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period. - Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be will apply and will expire SIX (6) MONTHS from the course the application to become ABANDO	ON. It imely filed om the mailing date of this communication NED (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on <u>07 (</u>	<u> October 2004</u> .						
2a) This action is FINAL . 2b) Thi	s action is non-final.						
.—	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under	Ex parte Quayle, 1935 C.D. 11,	453 O.G. 213.					
Disposition of Claims							
4)⊠ Claim(s) <u>17-32</u> is/are pending in the application	on.						
4a) Of the above claim(s) is/are withdra	awn from consideration.						
5) Claim(s) is/are allowed.							
6) Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) <u>17-32</u> are subject to restriction and/o	or election requirement.						
Application Papers							
9) The specification is objected to by the Examin	er.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the	e drawing(s) be held in abeyance.	See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the E	examiner. Note the attached Offi	ce Action or form PTO-152.					
Priority under 35 U.S.C. § 119							
12) ☐ Acknowledgment is made of a claim for foreig a) ☐ All b) ☐ Some * c) ☐ None of:	n priority under 35 U.S.C. § 119	(a)-(d) or (f).					
1. Certified copies of the priority documer	nts have been received.						
2. Certified copies of the priority documer	nts have been received in Applic	ation No					
3. Copies of the certified copies of the price	3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Burea							
* See the attached detailed Office action for a lis	t of the certified copies not rece	ived.					
Attachment(s)	_						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summ Paper No(s)/Mai						
Notice of Dransperson's Patent Drawing Review (P10-946) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date		al Patent Application (PTO-152)					

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DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species I, Figure 1

Species II, Figures 2a and 2b

Species II, Figures 3a and 3b

Furthermore, if Species I, or II is elected, this application is subjected to an election of subspecies requirement as set forth below:

Divergent component 19 Sub-Species I, Figure 4a

Divergent component 19 Sub-Species II, Figure 4b

Divergent component 19 Sub-Species III, Figure 4c

Divergent component 19 Sub-Species IV, Figure 4d

If Species III is elected, this application is subjected to an election of subspecies requirement as set forth below:

Divergent component 50 Sub-Species I, Figure 5a

Divergent component 50 Sub-Species II, Figure 5b

Divergent component 50 Sub-Species III, Figure 5c

Divergent component 50 Sub-Species IV, Figure 5d

Divergent component 50 Sub-Species V, Figure 5e

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Divergent component 50 Sub-Species VI, Figure 5f

Similarly, if Species I, II or III is elected; this application is subjected to an election of subspecies requirement as set forth below:

Convergent component 16 Sub-Species I, Figure 6a

Convergent component 16 Sub-Species I, Figure 6b

Convergent component 16 Sub-Species I, Figure 6c

Convergent component 16 Sub-Species I, Figure 6d

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

- 2. The claims are deemed to correspond to the species listed above in the following manner: claims 18 and 19 to Species I and II; claim 20 to Species 20; claim 21 to Divergent component 19 Sub-Species I to IV of Figures 4a-4d; claim 22 to Divergent component 50 Sub-Species I to VI of Figures 5a-5f; Claim 25 to Convergent component 16 Sub-Species I, Figure 6a.

 The following claim(s) are generic: 17.
- 3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Species I having a

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bicylindrical plug 21 with an upstream part 22, Species II having a plug 41 with a widened-out part 46 and a venturi 42, Species III having a divergent part 50.

4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh Q. Nguyen whose telephone number is 571-272-4907. The examiner can normally be reached on Monday-Thursday 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dinh Q Nguyen Primary Examiner Art Unit 3752